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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,453	12/21/2000	Rene Seeber	6619/54186	2390

7590 03/09/2004

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EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 03/09/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,453

Applicant(s)

SEEBER, RENE

Examiner

Gregory M. Desire

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 12, 14-15 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Troyanker (6,563,959).

Regarding claim 1 Troyanker discloses,

Searching a database for objects (note col. 7 line 6, image searching the internet examiner interprets as searching database for objects wherein the image is the object);
Providing a known object (note col. 7 line 3, query image is known object); and
Determining if any object in the database is confusingly similar with the known object (note col. 7 line 4, thumbnail of relevant images found is determining the confusingly (relevant) similar object in the database from the query image).

Regarding claims 4 and 12 Troyanker discloses,

Wherein said objects are selected from the group consisting of images, videos, sound and mixture thereof (note col. 1 lines 63-65, objects are images).

Regarding claim 6 Troyanker discloses,

Wherein said database comprises the worldwide Internet (note col. 7 line 6).

Regarding claim 14 Troyanker discloses,

Wherein said determining if any object is confusingly similar with the known object comprises determining necessary metadata for any of the objects (note col. 3 lines 8-15 and col. 4 lines 37-50, Troyanker determines relevant images, wherein the object image is metadata).

Regarding claim 15 Troyanker discloses,

Wherein said determining if any objects is confusingly similar with the known object comprises performing comprising one of the following process steps:

e) Conducting an object similarity analysis on the object (note col. 2 lines 15-18, line cite a similarity analysis on the object (spot)).

Regarding claim 29 Troyanker discloses,

Determining what region of the object the known object is located (note col. 5 line 60 - col. 6 lines 5, detected regions of the image).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2625

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 13, 16-25, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troyanker in view of Matamoros et al (6,161,109).

Regarding claims 2, 16, 17, 19, 21, 23 Troyanker discloses, objects from the database (note col. 7 lines image from the internet). Troyanker is silent duplicating the objects from the database to produce duplicated objects and storing the duplicated objects to produce stored duplicated objects. However Matamoros discloses duplicating the objects from the database to produce duplicated objects and storing the duplicated objects to produce stored duplicated objects (note fig. 1, block 122 in connection col 4 lines 45-56, image copying system, duplicate and stores images from database). Therefore it would have been obvious to one having ordinary skills in the art to include duplication objects from the database in the system of Troyanker as evidenced by Matamoros. Troyanker discloses image from database. Matamoros in the same field of endeavor duplicates image, generating object identifiers providing an improved method of copying a database (note col. 3 lines 4-5).

Regarding claims 3, 18, 20 and 22 Troyanker and Matamoros discloses,

Determining the degree of similarity of any stored duplicated object with the known object (note col.2 lines 15-17).

Regarding claim 13 Troyanker and Matamoros discloses,

Wherein said determining if any object is confusingly similar with the known object comprises determining if all of the necessary metadata is available for any of the stored duplicated objects (note col. 3 lines 8-15 and col. 4 lines 37-50, Troyanker determines relevant images, wherein the object image is metadata).

Regarding claim 24 Troyanker and Matamoros discloses,

Providing a threshold degree of similarity to a set standard for confusingly similar between the known object and the duplicated object (note col. 4 lines 43-51, threshold is used to provide degree of similarity).

Regarding claim 25 Troyanker and Matamoros discloses,

Displaying the degree of similarity if the degree of similarity is at least equal to the threshold degree of similarity (note fig. 2, shows display).

Regarding claim 27 Troyanker and Matamoros discloses,

Duplicated object is a frame of a video (note Troyanker col. 1 line 63-65).

Regarding claim 31 Troyanker and Matamoros discloses,

Wherein said determining means comprises a comparison engine (note Troyanker col. 2 lines 43-45, comparison operation is performed).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troyanker in view of Lipson et al (6,463,426).

Regarding claim 5 Troyanker discloses,

Objects are being search through the Internet. Troyanker is silent wherein object is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof. However, Lipson discloses objects is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof (note fig. 7 and col. 17 lines 45-55, lines cite trademark image).

Therefore it would have been obvious one having ordinary skills in the art to disclose object is a trademark. Troyanker performs Internet search of object (image). Lipson in the same field endeavor teaches search with trademark image. Providing an Internet search for trademarks and variety of images (note col. 2 lines 13-20 and 34-40)

6. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troyanker in view of Finseth et al (6,271,840)

Regarding claim 7 Troyanker discloses,

Searching database-using Internet. Troyanker is silent disclosing searching a database with a web crawler. However, Finseth searches a database with a web crawler (note fig. 1 block 32 in connection with col. 5 lines 1-5). Therefore it would have been obvious to one having ordinary in the art to disclose searching a database with a web crawler in the system of Troyanker as evidenced by Finseth. Troyanker searches

images using the Internet and Finseth in the same field of endeavor uses web-crawler to search on an automated basis and using an interface (note col. 2 lines 35-46).

Regarding claim 8 Troyanker and Finseth discloses,

Wherein said web crawler sweeps the database including the worldwide Internet by following hyperlinks contained in we site elements (note Finseth, col. 5 lines 24-28).

Regarding claim 9 Troyanker and Finseth discloses,

Wherein said web crawler sweeps web sites that are not linked (note Finseth col. 6 lines 25-34, examiner interprets evaluating omitted websites as web sites not linked web crawler sweep).

Regarding claim 10 Troyanker and Finseth discloses,

Duplicating URL's and hyperlinks for the objects (note Finseth, col. 5 lines 31-51, examiner interprets providing image of hyper links as duplicating hyperlinks for the objects).

Regarding claim 11 Troyanker and Finseth discloses,

Storing URL's for the objects (note fig. 2 and col. 5-line 61- col. 6 line 9).

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troyanker and Matamoros in further view of Lipson et al.

Regarding claim 28 Troyanker and Matamoros discloses,

Duplicated objects being search through the Internet. Troyanker and Matamoros are silent wherein duplicated object is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof. However, Lipson discloses objects is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof (note fig. 7 and col. 17 lines 45-55, lines cite trademark image). Therefore it would have been obvious one having ordinary skills in the art to disclose duplicated object is a trademark. Troyanker and Matamoros performs Internet search of duplicated object (duplicated image). Lipson in the same field endeavor teaches object as trademark image. Providing an Internet search for trademarks and variety of images (note col. 2 lines 13-20 and 34-40)

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troyanker and Matamoros in further view of Finseth.

Regarding claim 30 Troyanker and Matamoros discloses,

Searching database-using Internet coupled with a duplicator. Troyanker and Matamoros are silent disclosing searching a database with a web crawler. However, Finseth searches a database with a web crawler (note fig. 1 block 32 in connection with col. 5 lines 1-5). Therefore it would have been obvious to one having ordinary in the art to disclose searching a database with a web crawler in the system of Troyanker and Matamoros as evidenced by Finseth. Troyanker and Matamoros searches images

using the Internet and Finseth in the same field of endeavor uses web-crawler to search on an automated basis and using an interface (note col. 2 lines 35-46).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

G.D.
February 25, 2004


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